

## REMARKS

### Amendments to the Claims

The claims have been amended by removing the requirement that the nucleic acid be *regulatably* expressible. This amendment is supported by the specification as filed which clearly sets forth that the use of *regulatably* expressible nucleic acids is merely an embodiment of the use of expressible nucleic acids. For example, in paragraph [0022] of Published Application No. US 2003-0126624 A1, Applicant states (emphasis added):

[0022] **This invention further encompasses a eukaryotic expression construct containing a DNA sequence encoding the chimeric protein operably linked to expression control elements such as promoter and enhancer elements permitting expression of the DNA sequence and production of the chimeric protein in eukaryotic cells. One or more of those expression control elements may be inducible, permitting regulated expression of the DNA encoding the chimeric protein.** The expression control elements may be tissue-specific or cell-type-specific, permitting preferential or selective expression of the chimeric protein in a cell-type or tissue of particular interest. An example of a eukaryotic expression vector of this invention is the plasmid pCGNN ZFHD1-FKBPX3 (ATCC No. 97399) which is capable of directing the expression in mammalian cells of a fusion protein containing a ZFHD1 composite DNA-binding region linked to three FKBP12 domains, discussed in greater detail below.

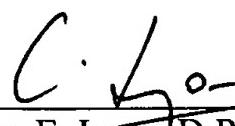
### Conclusion:

During a Telephone Interview held on September 15, 2005, the Examiner indicated that the present Amendment would be entered prior to issuance. The Examiner further stated that the amended claims were supported by the original specification and allowable. Applicant respectfully requests prompt issuance of a U.S. Patent with the amended claims.

Applicant would like to thank the Examiner for taking the time to consider this Amendment and for granting Applicant a Telephone Interview. Please charge any fees that may be required, or credit any overpayment, to our Deposit Account No. 03-1721.

Respectfully submitted,

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